

REMARKS

I. Status of the Claims

This submission is in response to the Official Action dated June 30, 2006. Claims 25-33, 35-38, and 50-55 are currently pending in the application. Claims 25-33, 35-38, and 50-55 are rejected; and claims 37 and 38 are withdrawn from consideration.

Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested. Each of the Examiner's rejections is discussed below.

II. Rejections under 35 U.S.C. § 102(b)

Claims 25, 27-29, 35, and 50-55 are rejected under 35 U.S.C. §102(b) over GB 2254340 ("Sano"). The Examiner contends that this patent discloses chemical bonding with functional thiol groups of polycationic polymers (including the N-containing polymers as claimed) which are treated with antimicrobial metals (including silver), coated, and secured to an article.

Applicants respectfully traverse. Sano does not disclose the invention provided in the present claims. Sano teaches a polymer resin that has been coated (either through a chemical etch or soldering) with a thick metal coating having electrical conductivity. In contrast, the present claims are directed to an article of manufacture coated with an adherent coating comprising a polymer matrix and a metallic material bound to the matrix. Sano neither teaches nor suggests a polymer matrix immobilized on the surface of an article of manufacture. The Examiner states that Sano teaches secured the resin membrane to an article in claims 17 and/or 19. However, these claims were incorrectly characterized. Claim 17 teaches little since it is unclear to what the metallic layers are fixed by soldering; in the Sano specification, the metallic layers are fixed to plates. More particularly, claim 19 teaches fixing the membrane to retaining plates by soldering the metallic layer to the retaining plates. Therefore, Sano teaches attaching to an article through the metal layer; the bond strength between the polymer and the metallic layer allows the polymer to be affixed via the metal layer. None of claim 17, 19, or the Sano specification has a teaching or suggestion that the polymer matrix is immobilized on a surface of an article of manufacture, or even that the polymer matrix can be attached to anything other

than the metallic layer. Since Sano does not teach or suggest every element of the claimed invention, Sano does not anticipate claims 25, 27-29, 35, and 50-55.

The Examiner further states that the Sano film device would not release biocidal amounts of elutables if placed in a liquid. However, applicants respectfully request direction as to where the Examiner obtained such information. Sano teaches a thick uniform metal film useful as a contact for soldering a resin to an object and distinguishes his films from other metal films as not having the metallic layer readily peeled off (pg. 2 lines 22 – 23) and of a thickness which strengthens the membrane (pg. 3, lines 1 – 2). The metal layer as taught by Sano will release biocidal amounts of elutables if placed in a liquid. In particular, Sano teaches a thick (i.e., electrically conductive) silver layer. The silver layer as taught by Sano will oxidize, thereby releasing biocidal silver ions into an ambient liquid. In contrast, the antimicrobial metallic material as claimed in the present invention will not oxidize and release metal ions. The present invention claims an article of manufacture having metallic material such as a silver salt which is bound to the matrix wherein the metal is complexed with the polymer matrix (see page 21, last paragraph). This complex will not oxidize and release biocidal amounts of a metal ion into the ambient liquid as shown in Example 6 (page 37 – 38) where silver elution was less than 10 ppb.

Further, Sano does not teach or suggest that the resin membrane may be modified to form a coating for an article of manufacture. One of ordinary skill in the art would not be motivated to take the resin described by Sano and use it to create an adherent coating on an article of manufacture.

Accordingly, reconsideration and withdrawal of the present rejection under 35 U.S.C. § 102 is respectfully requested.

II. Double-Patenting

Claims 25-32 and 50-55 have been rejected by the Examiner under the judicially created doctrine of obviousness-type double-patenting as being allegedly unpatentable over various claims in commonly-owned U.S. Patent 5,849,311.

In response, it is submitted that a terminal disclaimer will be timely filed upon allowance of any conflicting claims in the instant application.

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Therefore, in view of the above remarks, it is earnestly requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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